

EXHIBIT 1

02/12/2010 09:59 FAX 212 805 7948
 01/16/2006 21:19 12125173353

JUDGE HOLWELL
 COMBIER

002/002
 PAGE 02

Elizabeth Combier
 315 East 65th Street
 New York NY 10065

Magistrate Judge Frank Mass
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, NY 10007-1312

February 12, 2010

RE: Combier v. The State of New York et al.
 09 CIV 5314 (RJH)(FM)

Dear Judge Mass,

TO: J. B. Ward, Chambers of Judge Holwell
 (212) 805-7948

All parties have been notified by fax and email of the request that I now ask this Court, namely that the date for service of my papers in reply to Defendants' Motions to Dismiss/Summary Judgment be extended to Tuesday, February 16, 2010 from today, February 12.

The reasons for my request are: first, the sudden death of my close friend Bob Sadler, suddenly, on Monday February 1, at approximately 1:45 AM, and the subsequent cancer surgery of his wife which was scheduled for feb. 1, then moved to Feb. 10. Bob's funeral was Thursday, feb. 4. This sudden death in the same manner as my mother's, whose birthday was feb. 14, has affected me deeply; second, I am ready to give all Defendants until March 8 2010 to serve me their reply, and third, this extension will prejudice no party in this case.

Ms. Connell has agreed with this extension, if the Court grants this request. Please see a copy of her email sent yesterday (attached).

I will, if this Court endorses this request which I believe is reasonable and equitable to all, immediately contact all parties by fax, email, and mail (Ms. Danger and Mr. Mark). My telephone number is 212-794-8902 and my fax number is 212-517-3353.

Elizabeth Combier
 212-794-8902
 212-517-3353(fax)
betsy@parentadvocates.org

Monica Anne Connell
 Attorney for all State Defendants
 212-416-8965 (tel); 212-416-6009 (fax)
Monica.connell@oag.state.ny.us

P.M. may file opposition
 on or before 2/16;
 Reply on or before
 3/1. SO ORDERED

DH

VSDT 2/4/10

EXHIBIT 2

EXHIBIT 3

In The Matter Of:

*Probate Proceeding,
Will of Julia Elizabeth Taschereau*

*Julia Danger
Vol. 1, August 3, 2000*

*Greenhouse Reporting, Inc.
Computerized Litigation Support
363 Seventh Avenue
20th Floor
New York, NY 10001
(212) 279-5108 FAX: (212) 279-5431*

*Original File JD080300.V1, 205 Pages
Min-U-Script® File ID: 1532863006*

Word Index included with this Min-U-Script®

[1]
[2] SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
[3] Probate Proceeding, File No. 1042/98
[4]
Will of JULIA ELIZABETH TASCHEREAU,
[5]
Deceased.
[6]
[7] SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
[8] JULIA DANGER,
[9]
Plaintiff,
[10]
-against- Index No. 606259/98
[11] ELIZABETH COMBIER,
[12]
Defendant.
[13]
August 3, 2000
[14] 10:03 a.m.
[15]
[16] Deposition of JULIA DANGER, taken by
[17] the Defendant, pursuant to Notice, at the
[18] offices of Uncyk Borenkind & Nadler, L.L.P., 114
[19] West 47th Street, New York, New York, before
[20] Celeste A. Galbo, a Certified Shorthand Reporter
[21] and Notary Public within and for the State of
[22] New York.
[23]
GREENHOUSE REPORTING, INC.
[24] 363 Seventh Avenue - 20th Floor
New York, New York 10001
[25] (212) 279-5108

Page 1

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[1]
[2] APPEARANCES:
[3]
[4] KENNETH T. WASSERMAN, ESQ.
Attorney for the Plaintiff
[5] 350 Fifth Avenue
Suite 4810
[6] New York, New York 10118
[7]
UNCYK BORENKIND & NADLER
[8] Attorneys for the Defendant
114 West 47th Street
[9] New York, New York 10036
BY: ELI UNCYK, ESQ.
[10]
[11] Also Present:
[12] Elizabeth Comber
[13]
[14]
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[1]
[2] STIPULATIONS
[3]
[4] IT IS HEREBY STIPULATED AND AGREED
[5] by and between counsel for the respective
[6] parties hereto that all rights provided by
[7] the CPLR including the right to object to
[8] any question except as to the form or to
[9] move to strike any testimony at this
[10] examination before trial shall not be a
[11] bar or waiver to make such motion at, and
[12] is reserved for the trial of this action.
[13] IT IS FURTHER STIPULATED AND AGREED
[14] by and between counsel for the respective
[15] parties hereto that this examination may
[16] be sworn to by the witness being examined
[17] before a Notary Public other than the
[18] Notary Public before whom this examination
[19] was begun, but the failure to do so or to
[20] return the original of the examination to
[21] counsel, shall not be deemed a waiver of
[22] the rights provided by Rule 3116 and Rule
[23] 3117 of the CPLR and shall be controlled
[24] thereby.
[25]

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Danger

[1] JULIA DANGER, residing at 47 Avenue Matturin
[2] Moreau, Paris 75019, France, having been
[3] duly sworn by the Notary Public, was
[4] examined and testified as follows:

EXAMINATION

BY MR. UNCYK:

[5] Q: Could you please state your full
[6] name and address for the record?

[7] A: Julia Lillios Combier Danger.

[8] Q: And what's your residence address?

[9] A: 47 Avenue Matturin Moreau, 75019
[10] Paris, France.

[11] Q: Do you have any other residences?

[12] A: No.

[13] Q: Do you have a driver's license?

[14] A: Yes.

[15] Q: Where is the driver's license
[16] registered?

[17] A: New York State.

[18] Q: What address do you use for your
[19] driver's license in New York State?

[20] A: 201 East 77th.

[21] Q: What is that address?

[22] A: That was our mother's address, Julia

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Danger

[1] that I lived at 2 Jules Cloquet in Paris.

[2] Q: When is the last time that you lived
[3] in the United States full-time for more than two
[4] or three months?

[5] A: 1973.

[6] Q: During the 1990s, did you visit the
[7] United States?

[8] A: Yes.

[9] Q: How often?

[10] A: At least once a year.

[11] Q: Were there any years in which you
[12] visited more than once a year?

[13] A: Yes, '94 and '95, I think.

[14] Q: Is there anything that you could
[15] look at or anything that you could do that would
[16] help refresh your recollection as to when you
[17] visited more than once a year?

[18] A: I have my diaries.

[19] Q: Where are they?

[20] A: Oh, they're in Paris, and I have
[21] photos.

[22] Q: Where are they?

[23] A: Paris.

[24] Q: And if you looked at those, would

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Danger

[1] Taschereau.

[2] Q: Do you still use that address for
[3] your driver's license or do you use a different
[4] address?

[5] A: That is still on my driver's
[6] license.

[7] Q: Are you registered to vote in the
[8] United States?

[9] A: I think so.

[10] Q: How long have you lived at the
[11] address that you mentioned just before in Paris?

[12] A: Since June 1985.

[13] Q: And where did you live before that?

[14] A: I lived two blocks away from that
[15] address.

[16] Q: In Paris?

[17] A: In Paris.

[18] Q: How long did you live at the prior
[19] address?

[20] A: February 1981 to June '85.

[21] Q: And where February of '81, where did
[22] you live?

[23] A: Well, I was in New York from
[24] December and January at Mom's house, and before

Page 7

Danger

[1] that help you refresh your recollection about
[2] whether you were in the United States more than
[3] once a year during the 1990s?

[4] A: I know for two years I came twice.

[5] The second time I believe I came with a friend
[6] of mine named Rene and he can say.

[7] Q: What's Rene's last name?

[8] A: Boidier.

[9] Q: Can you spell that?

[10] A: B-O-I-D-I-E-R.

[11] Q: After asking you some more

[12] questions, as is usual with most people memory
[13] gets a little bit better. If any of these

[14] questions helped you focus a little bit more on
[15] what years you visited more than once?

[16] A: Okay, there was fire in my apartment
[17] in 1991, Rene was the man redoing my apartment,

[18] took about three years. I'd say, oh, it's
[19] between '93, '94, '95.

[20] Q: And right now the best of your
[21] recollection is that during the 1990s you

[22] visited the United States once a year except for
[23] two years in which you visited twice?

[24] A: Yes.

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- [1] **Danger**
[2] Q: When you visited once a year, was it
[3] in any particular season or time of the year?
[4] A: Well, I had a restaurant in Paris
[5] and summer was our busiest month, so my
[6] ex-husband and I would come that December and
[7] January. And then after my — I didn't have my
[8] restaurant anymore, we — I would come in the
[9] summer.
[10] Q: Was there a typical amount of time
[11] that you spent in the United States when you
[12] came here?
[13] MR. WASSERMAN: Are you talking
[14] about in the 1990s?
[15] MR. UNCYK: In the 1990s.
[16] A: Yes, I mean, my kids have school
[17] until, it's late in France, until end of June,
[18] and I would normally spend my birthday, July
[19] 11th, in Paris and come here right after.
[20] Q: So when you did not have the
[21] restaurant and you came in the summer it was
[22] right after your birthday in July?
[23] A: Um-hum. Yes.
[24] Q: And how long did you stay typically?
[25] A: Until the end of August.

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- [1] **Danger**
[2] ten days because of school.
[3] Q: You stayed ten days or less?
[4] A: Um-hum.
[5] Q: When you came to the United States
[6] in the 1990s, where did you stay?
[7] A: Always at Mom's apartment.
[8] Q: Who accompanied you during these
[9] visits in the 1990s?
[10] A: My two children, one year was the
[11] father of my son Patrick, and one February visit
[12] was Rene.
[13] Q: How many rooms did your mother's
[14] apartment contain?
[15] A: Well, there are two bedrooms and an
[16] L-shaped living room, dining room.
[17] Q: So you, your two children and on a
[18] couple of occasions another person would stay in
[19] this two-bedroom apartment when you came to
[20] visit?
[21] A: Um-hum. Yes.
[22] Q: Where did people stay? Where did
[23] they sleep?
[24] A: Julie and I were in the double bed
[25] and Mike had a, what do you call those beds that

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- [1] **Danger**
[2] Q: When is your birthday?
[3] A: July 11th.
[4] Q: So it was after July 11th?
[5] A: Yes.
[6] Q: Until the end of August. And when
[7] you came in December and January, how long did
[8] you stay on those occasions?
[9] A: We would arrive normally in December
[10] 8th or 9th or something and leave after Claude's
[11] birthday which was July 4th — January 4th,
[12] excuse me.
[13] MR. WASSERMAN: January 4th?
[14] THE WITNESS: January 4th. I
[15] remember Mom came to pick us up in the
[16] airport and John Lennon had just been
[17] shot, which I think was December 7th.
[18] Q: On the approximately two occasions
[19] where you came more than a year — more than
[20] once a year, do you recall when?
[21] A: Yes, it was February for Mom's
[22] birthday, which is February 14th.
[23] Q: How long did you stay on those two
[24] occasions?
[25] A: Oh, we — I couldn't stay more than

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- [1] **Danger**
[2] you can just fold up, convertible bed next to
[3] me.
[4] Q: On one occasion you said that you
[5] came with your son's father?
[6] A: Um-hum.
[7] Q: Where did he sleep?
[8] A: He slept in the double bed because
[9] when he came Mike wasn't there, born yet,
[10] because Mike's father and I, he wasn't very nice
[11] after Mike's birth, so we agreed to separate.
[12] So it was Patrick and me, and Julie was in the
[13] little bed because she was three, four.
[14] Q: When you visited with Rene, where
[15] did Rene stay?
[16] A: He stayed with us.
[17] Q: Where did he sleep?
[18] A: In the big double bed.
[19] MR. WASSERMAN: Eli, one minute,
[20] please.
[21] MR. UNCYK: Yes.
[22] (Pause in the proceedings.)
[23] MR. WASSERMAN: Okay.
[24] Q: Are you married right now?
[25] A: No.

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Danger

[1] Q: Were you ever married?
[2] A: Yes.
[3] Q: When?
[4] A: June 1976.
[5] Q: How did that marriage terminate?
[6] A: I was divorced — well, I left
[7] Claude in December 1980 and we were divorced in
[8] February 1991.
[9] Q: You separated in December of '80 and
[10] divorced in 1991?
[11] A: Yes.
[12] Q: So between December of 1980 and 1991
[13] you were still married to Claude; is that
[14] correct?
[15] A: Yes.
[16] Q: Did you have any children with
[17] Claude?
[18] A: Yes.
[19] Q: How many?
[20] A: One daughter.
[21] Q: What's her name?
[22] A: Julie.
[23] Q: Do you have any other children?
[24] A: Yes. Michael.

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Danger

[1] A: 1983, I think.
[2] Q: What's Julie's birth date?
[3] A: September 4th, 1980.
[4] Q: And what's Michael's birth date?
[5] A: October 1st, 1985.
[6] Q: When you visited the United States
[7] with Patrick in the 1983, where did he stay?
[8] A: He was in the bedroom with me and
[9] Julie.
[10] Q: Did you share a bed with Patrick?
[11] A: Yes.
[12] Q: And you weren't married to him?
[13] A: No.
[14] Q: You were married to Claude at the
[15] time?
[16] A: Yes, because Claude, I left Claude
[17] because he was beating me up and that wasn't the
[18] life that I wanted for my daughter, but he
[19] refused to give me a divorce.
[20] Q: Did you discuss with your mother who
[21] would be visiting with her before you arrived?
[22] A: Yes.
[23] Q: What was her feelings? What did she
[24] say to you about having Patrick staying in the

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Danger

[1] Q: How old is Julie today?
[2] A: 19.
[3] Q: And how old is Michael today?
[4] A: 14.
[5] Q: Were you married to anyone else
[6] besides Claude?
[7] A: No.
[8] Q: I'm sorry, is Claude Julie's father?
[9] A: Yes.
[10] Q: Who is Michael's father?
[11] A: Patrick Biven.
[12] Q: Would you spell that?
[13] A: B-I-V-E-N.
[14] Q: Were you ever married to Patrick
[15] Biven?
[16] A: No.
[17] Q: Were you married to anyone else
[18] besides Claude at any time?
[19] A: No.
[20] Q: Did Patrick Biven ever accompany you
[21] on a visit to the United States when you stayed
[22] at your mother's?
[23] A: Yes, once.
[24] Q: When?

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Danger

[1] same room and bed with you?
[2] A: Well, she knew we were living
[3] together and he was an excellent surrogate
[4] father with Julie, and she still till this day
[5] considers him her — the person that was very
[6] important to her when she was born and growing
[7] up as a male figure. I mean, we lived together
[8] for six years.
[9] Q: Did your mother have any opinion
[10] about whether or not you and Patrick should be
[11] staying in the same room when you were visiting
[12] her?
[13] A: No.
[14] Q: Did she discuss it with you at all?
[15] A: No. She was thrilled that Julie
[16] loved him so much. She personally didn't like
[17] him that much, but she saw the love that Julie
[18] had for him and we were living together.
[19] Q: Did you tell your mother in advance
[20] that, when you were coming with Rene, that he
[21] would be staying in the same room with you?
[22] A: Yes, I said we were coming, if it
[23] would be okay to come with Rene and he was
[24] living at my house at that point, so, yes.

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[1] **Danger**
 [2] Q: You weren't married to him?
 [3] A: No.
 [4] Q: And your mother knew that?
 [5] A: Yes.
 [6] Q: And did you have any discussion with
 [7] her about whether he will stay in the same room
 [8] with you?
 [9] A: No.
 [10] Q: Did she say anything to you about
 [11] that?
 [12] A: No, nothing.
 [13] Q: She never expressed an opinion?
 [14] A: No.
 [15] Q: Did you ask her permission?
 [16] A: I assumed that she would have said
 [17] that I cannot stay in the room if that was the
 [18] case.
 [19] Q: But even though you assumed she
 [20] would not give permission, you did it anyway?
 [21] A: It wasn't something Mom — I don't
 [22] think it bothered her. She knew we were living
 [23] together in Paris and he saved our lives after
 [24] the fire, and Mom realized that.
 [25] Q: But nevertheless you assumed that

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[1] **Danger**
 [2] getting over the stage of argument here.
 [3] So please put your questions and get an
 [4] answer and then go on, but please, no
 [5] argument.
 [6] MR. UNCYK: I won't argue. I just
 [7] would like —
 [8] Q: Your final answer?
 [9] A: My final answer is that Mom —
 [10] Q: Did you ask your mother's permission
 [11] in advance about whether Rene could stay with
 [12] you in the same room —
 [13] A: Yes.
 [14] Q: — when he came to visit?
 [15] A: Yes.
 [16] Q: Is that your final answer?
 [17] A: My final answer is can I come with
 [18] Rene, he has been very helpful to us, and Mom
 [19] welcomed us with open arms. That's my final
 [20] answer.
 [21] Q: When you came to the United States,
 [22] did you make any stops in any other locations
 [23] before you got here?
 [24] A: No.
 [25] Q: This was during the 1990s.

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[1] **Danger**
 [2] she would not have approved of him staying in
 [3] the same room with you?
 [4] A: Oh, no, not at all. I am sure she
 [5] did approve. Otherwise she would have said
 [6] something.
 [7] Q: I'm sorry, maybe I misheard you. I
 [8] thought you said you assumed she would not
 [9] approve?
 [10] A: Oh, no I assume she approved because
 [11] she welcomed us with open arms and the bed was
 [12] ready and everything was prepared. It was a
 [13] short visit. It was about a week or eight days.
 [14] Q: But you didn't ask her permission in
 [15] advance?
 [16] A: I didn't say, "Mom, is that okay?"
 [17] I said — well, yes, I asked her if it was okay
 [18] that Rene came.
 [19] Q: So now you change your testimony and
 [20] say that you did ask her, is that what you're
 [21] saying, did you ask her? Which was it, did you
 [22] ask her or did you not ask her if it was okay
 [23] for Rene to stay with you, with her in the same
 [24] room as you? Pick one, yes or no.
 [25] MR. WASSERMAN: Eli, I think we're

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[1] **Danger**
 [2] A: No.
 [3] Q: After you left at the end of your
 [4] visit to the United States in the 1990s, did you
 [5] go anywhere else before you went back to Paris?
 [6] A: No, I went from New York to Paris.
 [7] Q: While you stayed in New York with
 [8] your mother during the 1990s, did she have any
 [9] one come in to help her clean the apartment?
 [10] A: Yes.
 [11] Q: Do you know the name of that person?
 [12] A: Dorothy Easton.
 [13] Q: And how often did Ms. Easton come
 [14] and clean the apartment?
 [15] A: She was there Tuesday and Friday, I
 [16] believe.
 [17] Q: Did you help clean the apartment at
 [18] any time?
 [19] A: Yes, I did.
 [20] Q: What did you do?
 [21] A: Everything.
 [22] Q: Describe what everything consists
 [23] of.
 [24] A: I vacuum-cleaned, I clean the
 [25] kitchen. I'm a good cook, so mom liked me

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Danger

[1] [2] making dinner and I always cleaned up after.
[3] The windows, her bathroom. I did the laundry.
[4] Q: Did you take your mother out to
[5] dinner while you visited during the 1990s?
[6] A: Yes.
[7] Q: Who paid for those dinners?
[8] A: Well, a tradition, Mom would take us
[9] to Benihana every summer. It got to be kind of
[10] tradition, and since we all love Chinese food I
[11] would take her to Chinese food, or I took her
[12] once to the Sign of the Dove because a friend of
[13] mine was there, and she liked that.
[14] Q: When you say you took her, did you
[15] pay those bills?
[16] A: Yes.
[17] Q: Did you use an American Express
[18] card?
[19] A: No.
[20] Q: What kind — how did you pay, by
[21] cash or by credit?
[22] A: Cash.
[23] Q: Did you have a credit card during
[24] the 1990s?
[25] A: The beginning of the 1990s, I

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Danger

[1] [2] card that was in your mother's name, is that
[3] correct, or was it in your name that your mother
[4] paid?
[5] A: It was in my name.
[6] Q: So you had an American Express card
[7] in the '80s in your own name?
[8] A: Yes.
[9] Q: And your mother paid all those
[10] bills?
[11] A: Yes, but then I again in Paris
[12] didn't use it.
[13] Q: You didn't use the credit card —
[14] the American Express card in Paris?
[15] A: Sometimes, but Mom said especially
[16] now it is the '80s not to continue, and then she
[17] said that she couldn't do it anymore and I gave
[18] it back.
[19] Q: Do you have a recollection as to
[20] when you stopped using the American Express
[21] card?
[22] A: None whatsoever.
[23] Q: Did you have any other credit cards
[24] besides that American Express card —
[25] A: No.

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Danger

[1] [2] think. No, was it that late? No, I don't think
[3] so. I can't remember.
[4] Q: You don't remember whether you had a
[5] credit card during the 1990s?
[6] A: Well, Mom gave both of us the use of
[7] an American Express card, but I think it was
[8] just to the end of the '80s. But I don't
[9] remember.
[10] Q: Is there anything that you could
[11] look at or anything that you could do that would
[12] help refresh your recollection?
[13] A: I could ask Betsy.
[14] Q: Would that help? If you don't mind,
[15] anything that would help refresh your
[16] recollection is acceptable to me.
[17] A: We had the American Express card
[18] until when, the end of the '80s?
[19] MS. COMBIER: I didn't use it in the
[20] '80s. But I don't know whether you had
[21] another credit card or not.
[22] THE WITNESS: No.
[23] A: So it was the '80s then. So I
[24] didn't have a credit card in the '90s.
[25] Q: So during the 1980s you had a credit

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Danger

[1] [2] Q: — at any time?
[3] A: I have one from my bank account in
[4] France that I've had since 1995.
[5] Q: What kind of card is that?
[6] A: It's a Visa and I have a Visa on my
[7] Republic Bank here.
[8] Q: When did you get the Visa from the
[9] Republic Bank?
[10] A: 1995.
[11] Q: To your recollection, you stopped
[12] using your mother's American Express card during
[13] the 1980s, is that your best recollection now?
[14] A: Well, I do remember now that it was
[15] earlier than I thought. It might have been the
[16] early '80s or end of '70s.
[17] Q: It's hard to remember that far back,
[18] but from the time that you stopped using your
[19] mother's American Express card until 1995, did
[20] you have any credit cards?
[21] A: No.
[22] Q: During this period of time when you
[23] had no credit card and you came to visit your
[24] mother in the United States and took her to
[25] dinner, you used cash to pay?

Page 24

[1] **Danger**
[2] A: Yes. I would have to go to the bank
[3] and get cash regularly.
[4] Q: Which bank did you use?
[5] A: Republic, that's now HSBC on 79th
[6] and Madison.
[7] Q: What isn't HSBC nowadays? It seems
[8] like everything is HSBC.
[9] When did you open that account at
[10] Republic?
[11] A: Oh, heavens, I think I was born with
[12] that account. I can't remember not being there.
[13] Q: Was there any — I'm sorry. Do you
[14] still maintain that account?
[15] A: Until tomorrow I think, yes.
[16] Q: When you say until tomorrow, what
[17] does —
[18] A: Because they've not been anywhere
[19] that I want to be.
[20] Q: Is it your plan to close the account
[21] at Republic?
[22] A: Yes, I do.
[23] Q: Or HSBC?
[24] A: Um-hum.
[25] Q: During the time that this Republic

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[1] **Danger**
[2] \$100,000?
[3] A: No. Oh, I'm sorry, you mean in the
[4] United States? I had a bank account in France.
[5] Q: Where was the bank account in
[6] France?
[7] A: It's always been with Banque Hervet.
[8] Q: Can you spell that?
[9] A: B-A-N-Q-U-E, Hervet, H-E-R-V-E-T.
[10] Q: When was that account opened?
[11] A: 1974.
[12] Q: Was that account opened with money
[13] or anything else, any other assets, securities
[14] of any kind?
[15] A: No, I needed a checkbook and an
[16] account in France, so I had to open something.
[17] Q: Where did the money come from to
[18] open the account?
[19] A: I used — I always transferred
[20] dollars.
[21] Q: Now, when you received the
[22] approximately \$100,000 after your father's death
[23] in 1978, did that all go into the Bankers Trust
[24] account?
[25] A: No.

Page 25

[1] **Danger**
[2] HSBC account existed, was there money in it all
[3] the time?
[4] A: Yes.
[5] Q: How does the money get there?
[6] A: Well, Betsy and I both got \$500 a
[7] month from the Samuel Strauss Trust, and when
[8] Dad died and left us over \$100,000 each, I
[9] invested that money and would put what I needed
[10] in that account.
[11] Q: When did your father die?
[12] A: 1978.
[13] Q: Before '78 was there money in that
[14] account to your recollection, or did it exist
[15] before '78?
[16] A: Oh, it existed. There was very
[17] little.
[18] Q: And when did you start putting \$500
[19] a month into the account from the Samuel Strauss
[20] Trust?
[21] A: It was automatically placed there
[22] since we were two and a half, I think.
[23] Q: Aside from this Bankers Trust
[24] account, did you have any other accounts at the
[25] time that your father died and left you

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[1] **Danger**
[2] Q: Did it go into the Banque Hervet
[3] account?
[4] A: No, I invested it with Dee Osborn.
[5] Q: Who is Dee Osborn?
[6] A: Dee Osborn is an investment advisor.
[7] Q: Was she affiliated at that time with
[8] any firm?
[9] A: She was Samuel Scudder, I believe.
[10] Q: Did she continue as your investment
[11] advisor beyond 1978 for any amount of time?
[12] A: Oh, yes.
[13] Q: For how long?
[14] A: Oh, she still is.
[15] Q: Is she affiliated with any firm
[16] right now?
[17] A: She's with Kimmelman & Baird.
[18] Q: Can you spell that?
[19] A: K-I-M-M-E-L-M-A-N and Baird,
[20] B-A-I-R-D.
[21] Q: And where are they located?
[22] A: Park Avenue and 40th Street.
[23] Q: Has she been your investment advisor
[24] continuously since you received the
[25] approximately \$100,000 from your father's

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Danger

[1] [2] estate?
[3] A: She moved from Shearson Lehman or
[4] U.S. Trust to Kimmelman & Baird about three,
[5] four years ago, and she signed a paper that she
[6] for a year she couldn't take her clients with
[7] her. So she — I had another woman for that
[8] year, but ever since she has been my investment
[9] advisor.
[10] Q: So at Shearson Lehman you were stuck
[11] with somebody that they gave you for a year? I
[12] didn't mean to say stuck, I apologize.
[13] A: Dee gave me her assistant or another
[14] woman working there for the year that she — I
[15] could not follow her.
[16] Q: Now, do you recall the circumstances
[17] under which you received \$100,000 from your
[18] father's estate? Was that pursuant to a will, a
[19] trust?
[20] A: Actually my father was the
[21] attorney — Assistant Attorney General for the
[22] State of New York, died intestate, so Betsy and
[23] I received equal division of the — what he had.
[24] Q: Do you recall that Betsy was the
[25] administratrix of the estate?

Page 30

Danger

[1] [2] there any typical charges?
[3] A: I guess maybe an article of clothing
[4] or something like that.
[5] Q: Did you put restaurant bills on the
[6] credit card?
[7] A: There were one or two, but a lot of
[8] places in France don't accept American Express
[9] because they charge too much percentage.
[10] Q: Do you have a recollection of a
[11] typical amount each month that you would have
[12] charged to the American Express, or was there a
[13] typical amount?
[14] A: There wasn't a typical amount, but I
[15] was careful when I was using it and I felt — I
[16] didn't feel comfortable spending money on that.
[17] Q: Aside from paying your American
[18] Express bills, did your mother give you any
[19] other money for your expenses or support?
[20] MR. WASSERMAN: Is this in the 1980s
[21] you're talking about?
[22] MR. UNCYK: Yes, at any time.
[23] MR. WASSERMAN: At any time?
[24] MR. UNCYK: At any time.
[25] Q: I'm sorry, let's not say at any

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Danger

[1] [2] A: Yes.
[3] Q: And you were not?
[4] A: No.
[5] Q: Why not?
[6] A: Because I was in France and Betsy
[7] was here.
[8] Q: Now, during the 1980s you described
[9] that you had an American Express card that your
[10] mother paid for?
[11] A: Now I'm really not sure about the
[12] dates, but I know that both Betsy and I had one.
[13] Q: What were the mechanics of your
[14] mother paying for them? Did the bills go
[15] directly to her or did you send them?
[16] A: Yes.
[17] Q: The bills went directly to your
[18] mother?
[19] A: Yes.
[20] Q: Did you get copies of the bills?
[21] A: No.
[22] Q: Did you get copies of Betsy's bills?
[23] A: No.
[24] Q: What kind of charges typically did
[25] you put on the American Express card? Were

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Danger

[1] [2] time, let's start with the 1980s, obviously when
[3] you were children. Let's talk about the 1980s.
[4] A: Well, when she — when I no longer
[5] had the American Express, Mom was giving me some
[6] money each month.
[7] Q: How much?
[8] A: \$1,000.
[9] Q: And how did you get that money?
[10] A: She would send it.
[11] Q: And was it wire transferred, sent by
[12] check?
[13] A: Yeah, wired.
[14] Q: Aside from the thousand dollars per
[15] month, did she give you any other money during
[16] the 1980s?
[17] A: No.
[18] Q: Did she ever buy furniture for you?
[19] A: No.
[20] Q: Did she ever buy a car for you?
[21] A: She bought my first Volkswagen in
[22] 1974.
[23] Q: Did she ever contribute towards
[24] furniture or contribute towards the purchase of
[25] the car besides the '74 Volkswagen — the

Page 32

[1] **Danger**
[2] Volkswagen in '74?
[3] A: No.
[4] Q: Aside from the thousand dollars
[5] monthly, did your mother during the '90s or '90s
[6] give you anything else, any other money?
[7] A: No.
[8] Q: Did there come a time when you asked
[9] your mother to give you \$800 a month in addition
[10] because she was paying for your sister Betsy's
[11] baby-sitter?
[12] A: No.
[13] Q: Were you aware that your mother was
[14] paying for your sister's, Betsy's baby-sitter at
[15] any time?
[16] A: No.
[17] Q: You never asked your mother for
[18] anything more than \$1,000 a month?
[19] A: No.
[20] Q: Did there ever come a time that you
[21] found out that your mother was paying for
[22] Betsy's baby-sitters?
[23] A: No.
[24] Q: Did you know during the 1980s and
[25] 1990s when your mother was giving any money to

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[1] **Danger**
[2] A: Maryann Weaver.
[3] Q: What's the base of your knowledge
[4] that she mentioned it to Maryann Weaver?
[5] A: Maryann said so.
[6] Q: When did she say so?
[7] A: Within the last year, I think.
[8] Q: Did she say so during your mother's
[9] lifetime?
[10] A: Not to me, no.
[11] Q: Did she say it to anybody else, to
[12] your knowledge?
[13] A: Not to my knowledge.
[14] Q: What did Maryann Weaver say to you
[15] and what did you say to her during the
[16] conversation when she told you that your mother
[17] didn't want to pay for Nightingale?
[18] A: Now, Maryann didn't say that to me.
[19] She said it to my lawyer, but it was something
[20] Mom and I talked about a lot.
[21] Q: Who else did you — did your mother
[22] tell that she did not want to pay for
[23] Nightingale?
[24] MR. WASSERMAN: And I caution the
[25] witness, please do not respond to any such

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[1] **Danger**
[2] Betsy, your sister?
[3] A: Yes, Mom told me that she was
[4] helping Betsy and her kids were at Nightingale,
[5] and those were on the statements that we got
[6] from Bankers Trust.
[7] Q: Do you remember when she first told
[8] you about that?
[9] A: Mom and I talked a lot and she
[10] repeatedly told me that Betsy needed financial
[11] aid living in New York.
[12] Q: What else did she say about that?
[13] MR. WASSERMAN: If she said anything
[14] else, are you talking about —
[15] MR. UNCYK: About the Nightingale
[16] payments.
[17] A: Oh, she did not want to pay for
[18] Nightingale.
[19] Q: How do you know that?
[20] A: Yes, she said that.
[21] Q: Was there anybody else present when
[22] she said that to you?
[23] A: Not when she told me, but I know
[24] that she has mentioned that to other people.
[25] Q: Who did she mention that to?

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[1] **Danger**
[2] question if it's communications between
[3] you and me, but he's asking only between
[4] you and somebody else other than me.
[5] Q: Who else did your mother tell?
[6] A: I don't know, but it was something
[7] that bothered her. I assume, if I can, that she
[8] did mention it to other people, maybe, I have no
[9] idea.
[10] Q: Do you know besides Maryann Weaver
[11] whether your mother said it to anyone else?
[12] A: Do I know for certain?
[13] Q: No, do you know. For certain is not
[14] anything that anybody is entitled to say.
[15] Do you have any information that she
[16] said it to anybody else?
[17] MR. WASSERMAN: Other than anything
[18] that we've spoken about.
[19] A: No.
[20] Q: Now, let me make it clear that when
[21] I ask you do you have any information, I mean
[22] from any source whatsoever.
[23] MR. UNCYK: I have to tell you that
[24] I don't consider it a confidential
[25] communication that she knows or has

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Danger

[1] information that someone said something
[2] to — that her mother said something to a
[3] potential witness.
[4] [5] **MR. WASSERMAN:** Well, if you're
[6] asking her to refer to communications
[7] between her and myself, then I'll just
[8] respectfully disagree with your
[9] understanding and ask the witness,
[10] continue to ask the witness to speak what
[11] she knows other than through conversations
[12] with me.

[13] **Q:** Let me go back.

[14] Do you have any information about
[15] your mother telling any other person that she
[16] didn't want to pay for Nightingale other than
[17] Maryann Weaver?

[18] **MR. WASSERMAN:** And other than in
[19] communications with me.

[20] **A:** Well, since I can't be certain and,
[21] as you say, 100 percent certain doesn't exist,
[22] no.

[23] **Q:** I'm not asking you to be certain.

[24] What I'm asking is if you had any information or
[25] any indication that your mother may have told

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Danger

[1] [2] **Q:** Is there anything that you could
[3] look at or anything that you could do that would
[4] help you answer that question?
[5] **A:** No, I don't think so.
[6] **Q:** Did you have any conversations with
[7] Maryann Weaver directly about your mother saying
[8] she didn't want to pay for Nightingale?
[9] **A:** No.
[10] **Q:** Did you have any conversation with
[11] Anne Connor directly about that subject?
[12] **A:** No.
[13] **Q:** With Chuck Amstein?
[14] **A:** Yes.
[15] **Q:** When is the first time that your
[16] mother said that she did not want to pay for
[17] Nightingale?
[18] **A:** I think it was when Betsy was
[19] pregnant with the fourth daughter or something
[20] she was — she didn't think Betsy should have
[21] four kids growing up in New York.
[22] **Q:** And when was that?
[23] **A:** About nine years ago, 10 years ago,
[24] I don't know. Maryelle is I guess nine now —
[25] no, eight.

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Danger

[1] anyone else besides Maryann Weaver.
[2] [3] **A:** Well, my mother was very bothered by
[4] this, and the fact that she did talk to Maryann,
[5] I'm certain that she did mention it to somebody
[6] else.

[7] **Q:** Who else?

[8] **A:** I guess her closest friends, maybe
[9] Anne Connor or maybe Chuck Amstein, maybe, I
[10] don't know.

[11] **Q:** Who else do you think she may have
[12] mentioned it to?

[13] **A:** Well, the Weavers, Anne and Chuck
[14] were her closest friends. I don't know who else
[15] she would talk to because, since I live in
[16] France I don't know the MACP, but I know that
[17] these people were her closest friends, and I
[18] should think that if something was bothering her
[19] that she would say something.

[20] **Q:** And besides Maryann Weaver, Anne
[21] Connor and Chuck, who else do you believe she
[22] would have said something to?

[23] **A:** I don't know anyone else that was
[24] very close to my mother. Josie worked with her
[25] at the church. I don't know.

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Danger

[1] [2] **Q:** So the first time that your mother
[3] told you she didn't want to pay for Nightingale
[4] is about 10 years ago?
[5] **A:** Maybe nine years ago, eight years
[6] ago.
[7] **Q:** Nine years, maybe 10, nine or eight
[8] years ago?
[9] **A:** Yes, eight. I know it was around
[10] then because she was surprised that Betsy
[11] decided to have a fourth kid.
[12] **Q:** At that time, 10, nine, eight years
[13] ago, was your mother already paying for any of
[14] Betsy's children to go to Nightingale?
[15] **A:** Yes.
[16] **Q:** How many children were going to
[17] Nightingale at that time?
[18] **A:** I don't know. I guess Sari was
[19] there 10 years ago, nine years ago, eight years
[20] ago.
[21] **Q:** Do you know whether your mother
[22] continued paying for any of the children to go
[23] to Nightingale after she made this statement to
[24] you?
[25] **A:** Yes.

[1] **Danger**
[2] Q: Did she?
[3] A: Yes, she did continue paying.
[4] Q: Do you know how many children she
[5] continued paying for?
[6] A: Well, Betsy had a huge scholarship
[7] and to my knowledge Elise was never at
[8] Nightingale at all — no, Maryelle. Maryelle
[9] was never at Nightingale. Sari I know left
[10] Nightingale, so I guess that was Lani and Elise
[11] at some point.
[12] Q: Are you familiar with Betsy's
[13] children?
[14] A: No.
[15] Q: Do you know their names?
[16] A: Yes.
[17] Q: Who is Maryelle, how old is she?
[18] A: Maryelle is eight, I think.
[19] Q: Maryelle was the one that was born
[20] eight, nine years ago?
[21] A: Eight years ago.
[22] Q: And that was the occasion on which
[23] your mother said she didn't want to pay for
[24] Nightingale; is that correct?
[25] A: Yes, that she thought that New York

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[1] **Danger**
[2] was very expensive and that she knew David
[3] wasn't earning a lot of money and she thought it
[4] was not a wise move.
[5] Q: And to your knowledge Maryelle never
[6] went to Nightingale; is that correct?
[7] A: Yes, I don't think she did. No, she
[8] couldn't.
[9] Q: And you say that Sari left
[10] Nightingale?
[11] A: Yes.
[12] Q: How do you know that?
[13] A: Because Betsy told me and Mom told
[14] me.
[15] Q: Now, aside from this one time or
[16] this first time about eight or nine years ago
[17] when Betsy apparently was pregnant with
[18] Maryelle, did your mother at any other time say
[19] that she was unhappy about paying tuition for
[20] Betsy's children in Nightingale?
[21] A: She did on several occasions.
[22] Q: What were the other occasions after
[23] the first time when Betsy was pregnant with
[24] Maryelle?
[25] A: I repeat, we would talk and it was

[1] **Danger**
[2] kind of in general that she said after that date
[3] one day that there are very good public schools
[4] in New York and Betsy should not continue going
[5] to Nightingale.
[6] Q: Did she say why she was continuing
[7] to pay?
[8] A: Well, we just knew it was taken out
[9] of the trust funds every — it was on the bank
[10] statements that we got from Bankers Trust. It
[11] was paid out of that.
[12] Q: Did she say that she wanted to
[13] discontinue those payments?
[14] A: She didn't talk about the payments.
[15] She did not want to continue paying Nightingale
[16] Bamford.
[17] Q: Is there a reason to your knowledge
[18] why she didn't actually stop paying?
[19] A: No. At that point or later?
[20] Q: Do you know of any reason since the
[21] first time that she mentioned it to you eight or
[22] nine years ago why she didn't stop making those
[23] payments?
[24] A: Well, I think Betsy definitely
[25] wanted her kids to continue at Nightingale and

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[1] **Danger**
[2] Mom felt for a while that maybe two kids there
[3] would be basically okay, I think. I don't
[4] know. But then she — Bankers Trust told her to
[5] live on her own money and stop paying for other
[6] people, and she couldn't, I don't think. I
[7] mean, from my knowledge after Betsy used the
[8] money that Mom was getting each month to pay for
[9] Nightingale.
[10] Q: I'm sorry, your mother said that she
[11] felt for a while that two kids in Nightingale
[12] would be okay, is that what you're saying?
[13] A: Well, there was a huge scholarship.
[14] Q: So she said two kids in Nightingale
[15] would be okay, is that what you're saying?
[16] A: No, she didn't say that, but it
[17] wasn't a big crisis. And then the bank stepped
[18] in and said to me and I assumed to Betsy that we
[19] should live our own lives and that Mom should
[20] live on her own money. And they told Mom
[21] evidently that she should not pay for
[22] Nightingale Bamford.
[23] Q: When the bank stepped in, do you
[24] know whether this was done in a written
[25] communication or verbal communication?

[1] **Danger**
[2] Mom felt for a while that maybe two kids there
[3] would be basically okay, I think. I don't
[4] know. But then she — Bankers Trust told her to
[5] live on her own money and stop paying for other
[6] people, and she couldn't, I don't think. I
[7] mean, from my knowledge after Betsy used the
[8] money that Mom was getting each month to pay for
[9] Nightingale.
[10] Q: I'm sorry, your mother said that she
[11] felt for a while that two kids in Nightingale
[12] would be okay, is that what you're saying?
[13] A: Well, there was a huge scholarship.
[14] Q: So she said two kids in Nightingale
[15] would be okay, is that what you're saying?
[16] A: No, she didn't say that, but it
[17] wasn't a big crisis. And then the bank stepped
[18] in and said to me and I assumed to Betsy that we
[19] should live our own lives and that Mom should
[20] live on her own money. And they told Mom
[21] evidently that she should not pay for
[22] Nightingale Bamford.
[23] Q: When the bank stepped in, do you
[24] know whether this was done in a written
[25] communication or verbal communication?

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Danger

[1] [2] A: I think both.
[3] Q: When was this?
[4] A: '95, '94. I don't know. Around
[5] there.
[6] Q: After the bank stepped in, do you
[7] know whether your mother made any changes in
[8] paying for the kids at Nightingale?
[9] MR. WASSERMAN: Does she know now,
[10] is that the question?
[11] Q: Do you know whether?
[12] A: Then or now?
[13] Q: At any time. Do you know whether
[14] she made changes or not? And the next question
[15] is, I'll ask you, when did you find that out?
[16] A: I know now that the payments were,
[17] since they were to come out of Mom's money that
[18] she was given each month, that Nightingale could
[19] not be paid all at once so it was paid monthly,
[20] but it was paid out of Mom's money that she got
[21] each month.
[22] Q: And when did you first learn that it
[23] was still being paid in '94 or '95?
[24] A: I learned of what was going on --
[25] well, I knew Nightingale was continuing from the

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Danger

[1] [2] Q: Did you ever talk to Ms. McCord?
[3] A: Yes.
[4] Q: When?
[5] A: 1998.
[6] Q: What was the occasion for you to
[7] speak to her?
[8] A: 1999. I saw her twice.
[9] Q: What was the occasion for you to see
[10] her?
[11] A: Well, I wanted to see Nightingale
[12] again because I like looking over my old school,
[13] and it's now it's changed so much it's
[14] interesting. But also I wanted to talk to her
[15] about when Betsy tried to have me locked out of
[16] Nightingale Bamford for being a terrorist, which
[17] she thought was extremely weird.
[18] Q: So before this time that you met
[19] Ms. McCord in '98 or '99, you had visited
[20] Nightingale?
[21] A: Yes.
[22] Q: When before this visit in '98 or
[23] '98?
[24] A: Well, I forgot her name. I was
[25] contacted to come to Nightingale for lunch with

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Danger

[1] [2] bank statements that we got monthly. It was
[3] right there. And I knew about the change.
[4] Q: What change?
[5] A: The monthly payment to Nightingale
[6] after Mom's death.
[7] Q: You knew then all along that
[8] Nightingale was being paid from the money that
[9] was coming from the trust until your mother's
[10] death; is that correct?
[11] A: Yes, it was in the statements that
[12] we got each month.
[13] Q: Do you know who Anne McCord is?
[14] A: Yes, she's at Nightingale Bamford.
[15] Q: You went to Nightingale Bamford
[16] also; is that correct?
[17] A: Yes.
[18] Q: Was Anne McCord there when you went
[19] to Nightingale Bamford?
[20] A: I have no idea.
[21] Q: What's her position at Nightingale
[22] Bamford?
[23] MR. WASSERMAN: Today?
[24] Q: To your knowledge.
[25] A: I'm not sure.

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Danger

[1] [2] Mike and Julie because she was head of the
[3] newsletter or something, I really forgot her
[4] name. And she wanted me to write an article
[5] about my life in Paris for the magazine.
[6] Q: Did you go to Nightingale --
[7] A: Yes.
[8] Q: — upon that invitation?
[9] A: Yes.
[10] Q: When was that?
[11] A: '95 maybe. '94, '95.
[12] Q: And had you had any contact or
[13] gone — had you gone to Nightingale between that
[14] visit in '94 or '95 and visit in '98 or '99?
[15] A: Yes, I went to look at the new part
[16] of the school in 1996, I believe.
[17] Q: So in about '94 or '95 you went at
[18] the invitation of a newsletter editor; is that
[19] correct?
[20] A: Yes, I think she's newsletter. But
[21] she wanted — it was this person who wanted me
[22] to write an article about my living in France,
[23] and we had lunch in the cafeteria.
[24] Q: During that visit in 1995 did you
[25] make any effort to see Betsy's children?

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[1] **Danger**
[2] A: Every summer Mom would ask us to
[3] make an effort and I did. And I remember in
[4] summer 1996 we had a lovely dinner and I showed
[5] them how to do pate a sel, which is kind of salt
[6] and flower and water and it's like ceramics, and
[7] Mom was very happy with that evening.
[8] Q: I'm specifically talking about your
[9] visit in '95 when you had lunch in the
[10] cafeteria.
[11] A: Oh, '95.
[12] Q: Did you make any effort during that
[13] visit before or after that visit in '95 when you
[14] had lunch in the cafeteria to contact Betsy's
[15] children in school?
[16] A: In school?
[17] Q: Yes.
[18] A: No, never.
[19] Q: Did you speak to anybody about
[20] Betsy's children —
[21] A: No.
[22] Q: — during that visit?
[23] A: No.
[24] Q: And then the next time after that
[25] visit in '95 was when you went to look at the

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[1] **Danger**
[2] school?
[3] A: Well, you walk in and here's the
[4] desk, and I guess because I looked so much like
[5] Betsy, I said who I was and they said oh, yeah,
[6] look around.
[7] Q: So you went unescorted looking
[8] around the school?
[9] A: Yes, of course. I went there for 12
[10] years.
[11] Q: And you got lost?
[12] A: Yes.
[13] Q: Did you speak to anybody during that
[14] time?
[15] A: No, I didn't know anybody.
[16] Q: Did you run into or talk to Betsy's
[17] children during this visit when you got lost?
[18] A: No, but the day we were invited for
[19] lunch I ran into — we ran into Lani.
[20] Q: I'm sorry, who?
[21] A: Mike, Julie and I and this woman ran
[22] into Lani the day we were invited for lunch.
[23] Q: Now, during the '80s and '90s were
[24] you aware of any other money besides Nightingale
[25] Bamford that your mother gave to or spent or

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[1] **Danger**
[2] school in '96?
[3] MR. WASSERMAN: Objection to the
[4] form. I think you're saying 1995, but the
[5] testimony was around 1995.
[6] MR. UNCYK: Yes, I understand.
[7] Thank you.
[8] Q: You said sometime in '94 or '95 you
[9] had this visit when you had lunch in the
[10] cafeteria. After that visit around '94 or '95
[11] the next time you went was sometime in '96; is
[12] that correct?
[13] A: I think so, yes.
[14] Q: And you hadn't been there between
[15] the '94 and '95 visit until '96?
[16] A: No, I was in France. I couldn't
[17] really go to the school.
[18] Q: What did you do when you went to
[19] visit the school in 1996?
[20] A: I walked around and got lost trying
[21] to find the bathroom.
[22] Q: Did you speak to anybody in the
[23] school?
[24] A: No, I didn't know anybody.
[25] Q: How did you gain access to the

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[1] **Danger**
[2] Betsy and her family?
[3] MR. WASSERMAN: Eli, you're asking
[4] about 20 years. Can you try to piece it
[5] out a little bit? I think that's an awful
[6] long time.
[7] MR. UNCYK: Okay.
[8] Q: Let's start with the '80s. Were you
[9] aware of any money that your mother was giving
[10] to Betsy or paying for her family during the
[11] 1980s?
[12] A: During the 1980s?
[13] MR. WASSERMAN: Are you talking
[14] about in addition to what she's testified
[15] to already which were on the statements of
[16] Bankers Trust?
[17] MR. UNCYK: Yes, and just to make
[18] sure that I've got them right.
[19] Q: Besides Nightingale Bamford and
[20] payment of your and Betsy's American Express
[21] card bills, were you aware of any other money
[22] that your mother was giving to Betsy or paying
[23] for her family in the 1980s?
[24] MR. WASSERMAN: In the 1980s, and
[25] was she aware at the time.

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Danger

[1] [2] Q: Yes, were you aware at the time.
[3] A: Not specifically, but, yes, I did
[4] assume that Mom was helping Betsy financially
[5] because she did talk very often to me about how
[6] expensive it was living in New York and that
[7] Betsy needed financial help, and I knew about
[8] Nightingale because of the statements and they
[9] were at kindergarten at Madison Avenue and that
[10] was expensive. I did not have any inkling of
[11] the extent, but I — but this wasn't a problem.
[12] Mom and I had a great time and we rarely, rarely
[13] spoke of money, if at all. It just wasn't
[14] something we would talk about.
[15] Q: Did you find out any time after the
[16] '80s how much your mother was helping Betsy
[17] financially?
[18] A: I found out after her death exactly
[19] what was going on, yes.
[20] MR. WASSERMAN: Eli, can we take a
[21] three-minute break?
[22] A: Sure.
[23] (Recess taken.)
[24] Q: I'd like to focus your attention to
[25] the 1990s. During the 1990s when you were

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Danger

[1] [2] she said to her mother?
[3] Q: What did you say and what did your
[4] mother say?
[5] A: Mom said her hands were tied, no
[6] presents to my children, no going out to dinner,
[7] no — and we were still — I was still getting
[8] the statements from Bankers Trust. So I had
[9] absolutely no idea how that could be possible
[10] that Mom had no money to spend on herself.
[11] Q: You described that she said there
[12] was no money — no presents for your children
[13] and no going out to dinner.
[14] Did she say anything about money
[15] that she could not spend on herself?
[16] MR. WASSERMAN: Did the mother say,
[17] is that what your question is?
[18] Q: Did your mother say that she cannot
[19] spend any money on herself?
[20] A: No, she did not say that.
[21] Q: She said she could not give any more
[22] presents to your children and take you out to
[23] dinner, is that what she said?
[24] A: She said she could no longer go out
[25] to dinner, that she could not give presents,

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Danger

[1] [2] visiting with your mother did you ever yell at
[3] her?
[4] A: No.
[5] Q: Did you ever have an argument with
[6] her in which you raised your voice?
[7] A: I did not have an argument with her,
[8] I wanted to understand why she felt she had no
[9] control over her money and that she could not
[10] live her life the way she used to and begged to
[11] know what was going on, but it was not an
[12] argument.
[13] Q: But you did raise your voice?
[14] A: Not really, no.
[15] Q: I asked you whether you yelled at
[16] your mother and you said no. I asked whether
[17] you raised your voice to her and you gave me
[18] this answer.
[19] A: Well, begging and pleading to
[20] please, could she please let me know. It was
[21] not yelling, no, it was not yelling.
[22] Q: Describe this conversation in which
[23] you begged and pleaded to find out why she
[24] thought she had no control.
[25] MR. WASSERMAN: You're asking what

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Danger

[1] [2] that she could not — she said her hands are
[3] tied. "My hands are tied," and would not
[4] explain why her hands were tied.
[5] Q: Who was present during — was this
[6] more than one conversation?
[7] A: Yes.
[8] Q: And how often did you talk about
[9] this?
[10] A: This was 1996, I believe I had no
[11] idea why, but I — if Mom said her hands were
[12] tied, her hands were tied, and we had a great
[13] relationship but it had — we did not talk about
[14] money. Her hands were tied. And I realized how
[15] it upset her, so we just never talked about
[16] money.
[17] Q: So there was a conversation in '96
[18] about this. Was there a conversation at any
[19] time earlier in the '90s about the subject?
[20] A: I don't remember.
[21] Q: Was there anything that you could
[22] look at or anything that you could do that would
[23] help you remember?
[24] A: About Mom spending money on
[25] herself?

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Danger

[1] [2] Q: When did you have conversations
[3] about Mom spending money on herself in the '90s?
[4] A: One conversation was after the bank
[5] in a written letter, I believe, said that both
[6] Betsy and I should be spending our own money and
[7] not be spending Mom's money. And Mom — and I
[8] talked to Mom at that point about how in the
[9] statements was Nightingale Bamford and if the
[10] bank wanted her to spend money on herself, that
[11] maybe that meant Nightingale also.
[12] Q: And what did she say?
[13] A: She said, yeah, she did not want to
[14] pay for Nightingale.
[15] Q: Do you know why she didn't stop
[16] paying for Nightingale?
[17] A: I know now that she had no choice.
[18] Q: Did she tell you at that time why
[19] she didn't stop?
[20] A: No, no, I had absolutely no idea.
[21] Q: When you say you know now that she
[22] had no choice, would you describe what you mean
[23] by that?
[24] A: When Betsy got power of attorney
[25] as — well, as Betsy has said in her previous

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Danger

[1] [2] me. I mean...
[3] Q: Did you ever have any arguments with
[4] your mother or disagreements with your mother at
[5] which you raised your voice?
[6] MR. WASSERMAN: I think you asked
[7] and she answered that, Eli, but I'll let
[8] you go one more time.
[9] MR. UNCYK: Thank you.
[10] A: Well, I think I answered that saying
[11] that I wanted to know why Mom's hands were tied,
[12] and I do not consider pleading with my mother to
[13] tell me what was going on as being yelling in
[14] any way, no.
[15] Q: I'm missing something here. Did you
[16] have arguments with your mother?
[17] A: No.
[18] Q: Did you ever raise your voice to
[19] your mother, yes or no?
[20] A: No.
[21] Q: Why is it that you answer that
[22] question by describing discussions about
[23] Nightingale Bamford? Did that get heated? Is
[24] that why you're answering the way you are
[25] answering? Were those discussions heated?

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Danger

[1] [2] depositions, Nightingale was paid monthly out of
[3] Mom's money because one lump sum was no longer
[4] possible and the bank refused money for
[5] Nightingale Bamford. So it was paid for monthly
[6] out of Mom's money instead of letting the bank
[7] handle it.
[8] Q: I'm not clear.
[9] Did your mother tell you that she
[10] couldn't stop paying Nightingale Bamford?
[11] A: No, she never — we did not talk
[12] about money.
[13] Q: She told you she did not want to pay
[14] Nightingale Bamford?
[15] A: Yeah, several times.
[16] Q: That wasn't a conversation —
[17] A: She did not say she could not.
[18] Q: Was there anybody present when she
[19] told you this?
[20] A: No.
[21] Q: How many times during the 1990s did
[22] she tell you she didn't want to pay for
[23] Nightingale Bamford?
[24] A: It was not something we talked
[25] about. Two or three times. It didn't bother

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Danger

[1] [2] MR. WASSERMAN: Objection to the
[3] form. Why she's answering the way she's
[4] answering —
[5] MR. UNCYK: I'm sorry, you don't
[6] have to explain. The objection to form is
[7] on the record.
[8] Q: Please answer the question.
[9] MR. UNCYK: An objection to form is
[10] noted. You don't have to explain it. I
[11] understand.
[12] A: I knew Mom loved me and it was
[13] extremely unbelievable to me that she was
[14] getting all this money each month and her hands
[15] were tied. "Why? Please tell me what is going
[16] on. Please." She could not and would not. And
[17] it was to me like I'm beating my head against
[18] the — a wall. "Mom, what is going on?"
[19] Q: So then you were very persistent in
[20] your demanding an answer, is that what you're
[21] saying?
[22] A: I wanted an explanation for
[23] herself. "Mom, your hands are tied?" By who?
[24] By what?
[25] Q: You wanted an explanation for

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Danger

[1] herself or did you want an explanation for
[2] yourself?
[3] A: I wanted to know why my mother could
[4] not live her life as she was accustomed to by
[5] going out to lunch with her friends and dinner
[6] and the little gifts that you loved giving all
[7] the time. Her "hands were tied," period.
[8] Q: And she wouldn't tell you any more?
[9] A: No, she would not tell me any more.
[10] Q: But you persisted in asking her?
[11] A: When I arrived in 1996 and she told
[12] me this, I really wanted to know, but then I
[13] accepted it, that her hands were tied, and it
[14] upset her that I wanted to know why and I
[15] realized it upset her, so money just wasn't an
[16] option. We had lovely conversations and I did
[17] want to find out, but this wasn't an extended
[18] period. This was 1996 when I first found out
[19] that "her hands were tied."
[20] Q: So you persisted in asking her
[21] despite the fact that she didn't want to answer
[22] until she became upset?
[23] MR. WASSERMAN: Objection to the
[24] form. That's not what she said.

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Danger

[1] where you hit or pushed your mother?
[2] A: No.
[3] Q: Were you ever present when your
[4] mother was injured in the 1990s in her home?
[5] A: No.
[6] Q: Were you ever present when your
[7] mother fell in her home?
[8] A: No.
[9] Q: Were you ever in New York staying
[10] with your mother when you found out that she was
[11] injured or fell in her apartment?
[12] A: Yes.
[13] Q: When was that?
[14] A: It was July 1997.
[15] Q: Can you describe what happened in
[16] July of 1997 concerning an injury to your
[17] mother?
[18] A: I was out with a friend of mine for
[19] dinner and I had prepared dinner for Mike and
[20] Julie and Mom, and she evidently tried to open a
[21] tomato juice can by bending over on the kitchen
[22] floor and tapping the bottle on the floor which
[23] is — to open the bottle of tomato juice. And
[24] she fell on her coccyx at that point, and Mike

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Danger

[1] A: I wanted to know. I guess I asked
[2] several times; Mom would say nothing more than
[3] her hands were tied.
[4] Q: And you kept asking until she got
[5] upset; is that correct?
[6] MR. WASSERMAN: Objection to the
[7] form. Eli, I think you're starting to
[8] argue. She has answered these questions
[9] already on more than one, on more than two
[10] times.
[11] MR. UNCYK: I'm sorry, maybe she can
[12] answer it again. I don't remember the
[13] answer to this question.
[14] Q: You kept asking her until she got
[15] upset; is that correct?
[16] MR. WASSERMAN: Objection to the
[17] form.
[18] A: I did not see my mother upset, no,
[19] she was not upset. She knew that she could not
[20] tell me the reason and I finally accepted that.
[21] She was not upset.
[22] Q: I think the answers are there. I'm
[23] happy with those answers. Thank you.
[24] Now, did there ever come a time

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Danger

[1] and Julie were there and helped her get up and
[2] put her in the living room and that's what
[3] happened.
[4] Q: When did you find out about her
[5] falling and hurting herself?
[6] A: Oh, I came home very soon after.
[7] Q: About what time of the day was that
[8] that you came home?
[9] A: It was in the evening.
[10] Q: Did you talk to your mother about
[11] how she felt after that injury?
[12] A: Oh, yes.
[13] Q: What did she say about it?
[14] A: I think it was the next day I was
[15] supposed to leave for California and I was going
[16] to cancel my trip. And she, "I'm fine. It's a
[17] little sore, but I'm fine. No problem."
[18] Q: You said that your children brought
[19] her into the living room after she fell?
[20] A: I think that's what they did.
[21] Q: Where was she when you came home and
[22] spoke to her?
[23] A: She was in the living room.
[24] Q: Did she spend the night on the couch

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[1] **Danger**
[2] in the living room?
[3] A: No.
[4] Q: Where did she sleep?
[5] A: In her bed.
[6] Q: Was anybody else present during the
[7] time that she was hurt in the living room?
[8] A: She was hurt in the kitchen.
[9] Q: I'm sorry, that she was hurt and
[10] while she was staying in the living room besides
[11] your two kids?
[12] A: No.
[13] Q: Was anybody else present when you
[14] came home that evening?
[15] A: No.
[16] Q: You said you had plans to leave the
[17] next day; is that correct?
[18] A: Yes.
[19] Q: Did you in fact leave the next day?
[20] A: Yes.
[21] Q: What time did you leave your
[22] mother's home?
[23] A: Oh, I think it was 7:30 in the
[24] morning or something like that, I'm not sure
[25] what time the plane was to California.

[1] **Danger**
[2] A: We left like we always did, at the
[3] end of August.
[4] Q: During the time that you were at
[5] your mother's home in August of '97, did you
[6] witness her injuring herself?
[7] A: No.
[8] Q: Did you find out that she had
[9] injured herself at any time in August of '97?
[10] A: Well, I talked to her from
[11] California and she had evidently really injured
[12] herself on her coccyx and she was bedridden.
[13] Q: When you came back in August of '97
[14] did she suffer any additional injuries during
[15] the time that you were there?
[16] A: No. No.
[17] Q: Did she suffer an injury to her head
[18] in August of '97 that you're aware of?
[19] A: No.
[20] Q: Did there come a time to your
[21] knowledge that your mother fell and broke her
[22] hip in January of 1998?
[23] A: I was told about that, yes.
[24] MR. UNCYK: I'd like to have marked
[25] as Proponent's Exhibit A an item which is

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[1] **Danger**
[2] Q: Did you see your mother the morning
[3] before you left?
[4] A: Yes.
[5] Q: Did you discuss with her how she
[6] felt?
[7] A: Yes.
[8] Q: And what did she say?
[9] A: She said it was fine. She was very
[10] adamant that she was perfectly okay, which to me
[11] is amazing now, but she insisted that she was
[12] perfectly okay.
[13] Q: Did you have any reason to doubt
[14] that she was perfectly okay at that time?
[15] A: She showed no sign whatsoever of not
[16] being okay. She seemed in good spirits. She
[17] seemed absolutely fine.
[18] Q: Did you return to your mother's home
[19] that summer after you left?
[20] A: Yes.
[21] Q: When?
[22] A: I think California was three weeks,
[23] so three weeks after. It was August.
[24] Q: And how long did you stay in August
[25] of '97?

[1] **Danger**
[2] entitled "Objections to Probate in the
[3] Probate Proceeding, Will of Julia
[4] Elizabeth Taschereau, Deceased."
[5] (Proponent's Exhibit A, document
[6] entitled "Objections to Probate in the
[7] Probate Proceeding, Will of Julia
[8] Elizabeth Taschereau, Deceased," was
[9] marked for identification.)
[10] Q: Would you take a look at Proponent's
[11] Exhibit A.
[12] Have you ever seen this document
[13] before?
[14] A: No.
[15] Q: Is this the first time you have ever
[16] seen this document?
[17] A: Is this what I saw?
[18] Oh, I did see this earlier. Yes, I
[19] did see it.
[20] Q: Would you take a look at the date on
[21] that document. It's on the second page.
[22] A: February 16th, 2000.
[23] Q: Looking at the date, does that help
[24] you recall when you first saw this document?
[25] A: Yes.

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[1] **Danger**
[2] Q: When did you first see it, to the
[3] best of your recollection?
[4] A: Three hours ago.
[5] Q: You did not see this before February
[6] 16th, 2000?
[7] A: No, I don't think so.
[8] Q: The first time you saw it was
[9] earlier today then; is that correct?
[10] A: I think so, yes.
[11] Q: Are you familiar with its contents?
[12] A: Yes.
[13] Q: Do you know what this is?
[14] MR. WASSERMAN: If you know.
[15] A: It's objection to probate. It says
[16] SO.
[17] Q: Do you understand that this was
[18] served and filed on your behalf?
[19] MR. WASSERMAN: These are legal
[20] questions, Eli, and she's not a lawyer.
[21] MR. UNCYK: I understand. I'll
[22] accept her answer as a lay person.
[23] A: I know nothing about legal stuff.
[24] Q: Do you know whether this was served
[25] on your behalf or this was prepared on your

[1] **Danger**
[2] as of the exact time and date and paper, no, no.
[3] MR. WASSERMAN: I'm sorry, could you
[4] read the question back.
[5] (The record was read.)
[6] MR. WASSERMAN: Objection to the
[7] form.
[8] You can answer it, if you know.
[9] A: I don't know.
[10] Q: Is there anything that you could
[11] look at or anything that you could do that would
[12] help you determine when you first found out that
[13] Proponent's Exhibit A was served on your behalf?
[14] A: No, I don't know.
[15] Q: Did you ever see a draft of
[16] Proponent's Exhibit A?
[17] A: I know of the contents because I've
[18] been in relation with Mr. Wasserman, but exact
[19] time, date, no, I don't know.
[20] Q: Did you ever see a draft of
[21] Proponent's Exhibit A?
[22] MR. WASSERMAN: If you know.
[23] A: I don't know.
[24] Q: Is there anything that you could
[25] look at or anything that you could do that would

[1] **Danger**
[2] behalf?
[3] MR. WASSERMAN: By counsel, I'll
[4] stipulate that this was served on her
[5] behalf by me as her counsel.
[6] Q: Do you know that this was served on
[7] your behalf?
[8] A: Yes.
[9] Q: When did you first find out that it
[10] was served on your behalf?
[11] MR. WASSERMAN: Objection to the
[12] form. Asked and answered.
[13] Q: When did you first find out that it
[14] was served on your behalf?
[15] A: I hired Mr. Wasserman to take care
[16] of the case and he has done the necessary
[17] measures.
[18] Q: You said you saw Proponent's Exhibit
[19] A about three hours ago or sometime earlier
[20] today.
[21] Is that the first time that you
[22] found out that this document was served on your
[23] behalf? I'm talking specifically about
[24] Proponent's Exhibit A.
[25] A: I know what has been going on, but

[1] **Danger**
[2] help refresh your recollection?
[3] A: I don't know.
[4] Q: Are you aware that Proponent's
[5] Exhibit A claims that the alleged will was not
[6] duly executed by Julia Elizabeth Taschereau?
[7] Are you aware that Proponent's Exhibit A says
[8] that?
[9] MR. WASSERMAN: Can you show it to
[10] her, please.
[11] Could you read it, which I guess is
[12] what he wants you to do.
[13] THE WITNESS: But we don't agree —
[14] MR. WASSERMAN: His question is
[15] whether he properly stated what's written
[16] there.
[17] Can you read the question, please.
[18] (The record was read.)
[19] MR. WASSERMAN: I'll stipulate that
[20] you read the first line of the first
[21] objection to the objections of the
[22] probate, Eli.
[23] Q: Did you hear the question? Are you
[24] aware that that's what it says?
[25] A: I am aware that this is what that

[1] **Danger**
[2] says, yes.
[3] MR. UNCYK: I just want to step back
[4] for a minute and ask that we mark as
[5] Proponent's Exhibit B a copy of the will
[6] of Julia Taschereau dated November 21,
[7] 1997, which is the will that's been
[8] offered for probate and is being contested
[9] in this matter.
[10] (Proponent's Exhibit B, will of
[11] Julia Taschereau dated November 21, 1997,
[12] was marked for identification.)
[13] Q: Would you take a look at what's been
[14] marked as Proponent's Exhibit B.
[15] Do you know what this is?
[16] A: Yes.
[17] Q: What is it, to your knowledge?
[18] A: It is the will of my mother in
[19] November 1997.
[20] Q: When did you first find out that
[21] your mother had signed this will?
[22] A: After her death.
[23] Q: Did you have any discussions with
[24] your mother about a will during 1990s?
[25] A: Never.

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[1] **Danger**
[2] Q: Was anybody else present besides you
[3] and she?
[4] A: No.
[5] Q: Was there any other conversation
[6] besides this in the early '90s?
[7] A: No.
[8] MR. UNCYK: I'd like to have marked
[9] as Proponent's Exhibit C an item entitled
[10] "Last Will and Testament of Julia E.
[11] Taschereau," dated October 25th, 1989.
[12] (Proponent's Exhibit C, document
[13] entitled "Last Will and Testament of
[14] Julia E. Taschereau," dated October 25th,
[15] 1989, was marked for identification.)
[16] Q: Taking a look at Proponent's Exhibit
[17] C, do you know what that is?
[18] A: Yes.
[19] Q: Can you describe it?
[20] A: It's Mom's will from 1989.
[21] Q: Have you ever seen that before
[22] today?
[23] A: No.
[24] Q: Did you ever see a copy of it in
[25] your mother's home?

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[1] **Danger**
[2] Q: Do you know whether your mother had
[3] ever executed another will either before or
[4] after Proponent's Exhibit B?
[5] A: My mother in the 1990s said that
[6] Betsy and I were both included in her will and
[7] she didn't want to talk about any will. So I
[8] said fine.
[9] Q: When did this conversation take
[10] place?
[11] A: Oh, sometime in the 1990s.
[12] Q: Was it early '90s or late '90s, if
[13] you recall.
[14] A: Oh, I think it was probably early
[15] '90s.
[16] Q: And she also said she didn't want to
[17] talk about this at all?
[18] A: She said she didn't like talking
[19] about money.
[20] Q: How did this conversation come up?
[21] A: Because I was debating whether to
[22] get a will made in New York or in France.
[23] Q: How did the subject of her will come
[24] up?
[25] A: She just said that.

[1] **Danger**
[2] A: No.
[3] Q: Did you ever take a copy or make a
[4] copy of it?
[5] A: No.
[6] Q: Would you take a look at the page
[7] with the signatures on, Exhibit C.
[8] Do you recognize the names on that
[9] page?
[10] A: No.
[11] Q: Can you read the first name?
[12] A: Craig Shields, Wallace Bock and
[13] Bradford Connor.
[14] Q: What's the first name, Craig
[15] Shields?
[16] A: Um-hum.
[17] Q: Do you know who Craig Shields is?
[18] A: I know now who they are.
[19] Q: Who are they? What do you know of
[20] who they are right now?
[21] (Conference between witness and
[22] counsel.)
[23] A: When I found this will when I was in
[24] Paris, the — I found out where the will was and
[25] called Wallace Bock, who had my mother's will,

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